

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JOHN J. FATA, JR., Individually and as  
Special Administrator of the Estate of  
FRANK J. FATA, Deceased,

Plaintiff,

v.

GENERAL REFRACTORIES COMPANY,

Defendant.

No. 00-CV-01768

Judge: Honorable Rebecca Pallmeyer

**DEFENDANT GENERAL REFRACTORIES COMPANY'S  
MOTION TO EXTEND THE DATE TO FILE THE PRETRIAL ORDER**

Defendant, General Refractories Company ("GRC"), by its attorneys, Johnson & Bell, Ltd., for its Motion to Extend the Date by which to file the Pretrial Order in this case, states the following:

1. On September 10, 2013, this Court entered an order requiring the parties in this matter to file their pretrial order on January 22, 2014. (Dkt. 172). The jury trial of this matter is set to begin on March 3, 2014. *Id.*

2. The Northern District of Illinois' Standing Order governing the preparation and filing of final pre-trial orders in the Northern District, unequivocally states that "[c]ounsel for all parties are directed to meet in order to (1) reach agreement on any possible stipulations narrowing the issues of law and fact, (2) deal with nonstipulated issues in the manner stated in this paragraph and (3) exchange copies of documents that will be offered in evidence at the trial" and "it shall be the duty of counsel for plaintiff to initiate the meeting..." *See*, LR-16.1-Standing Order Establishing Pretrial Procedure – Section 6(a). Further, "[i]t is the obligation of counsel for plaintiff to prepare from the Statement a draft Order for submission to opposing

counsel. Included in plaintiff's obligation for preparation of the Order is submission of it to opposing counsel in ample time for revision and timely filing." *See*, LR-16.1-Standing Order Establishing Pretrial Procedure – Section 6(c).

3. The defense counsel has made several requests to meet with plaintiff in order to prepare the pretrial order; yet plaintiff has failed to provide any time that the meeting could take place. Further, the counsel for plaintiff has failed to submit the draft pretrial order "in ample time" to allow for the defendant's review and comment. (See, Exhibit "A," e-mails from Robert Spitkovsky, Jr., Esq. to Michael Cascino, Esq. dated January 3, 2014, January 7, 2014 and January 14, 2014).

4. The submission of the final pretrial order is not a mere formality, but constitutes an integral part of the case prior to trial. It defines plaintiff's claims, streamlines issues at trial, and is an essential trial roadmap for the parties and the Court. The failure of plaintiff's counsel to meet with defense counsel and to submit a draft pretrial report is a violation of the Court's order and a severe hindrance to the defense counsel's preparation for trial.

5. Due to the failure of plaintiff's counsel to meet with defense counsel and the failure of plaintiff's counsel to submit a draft pretrial order, it is impossible for the defense counsel to comply with the Court's deadline of January 22, 2014 for filing of the final pretrial order. Accordingly, defendant requests an extension of time to submit a pretrial order and leave to file the pretrial order individually.

6. As a sanction for plaintiff's counsel's failure to meet with defense counsel and plaintiff's counsel's failure to submit a draft of the pretrial order in time for its filing on January 22, 2014, the Court should require plaintiff's counsel to pay defense counsel's expenses,

including attorney's fees incurred in making this motion and/or any other sanctions this Court deems appropriate.

WHEREFORE, the defendant, General Refractories Company, respectfully requests that this Honorable Court grant this motion for extension of time in which to file the pretrial order in this matter and grant defendant leave to file a pretrial order individually.

By: /s/ Amy R. Hansen  
An Attorney for Defendant General Refractories  
Company

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**CERTIFICATE OF SERVICE**

The undersigned certifies that he caused to be served the foregoing Defendant General Refractories Company's Motion to Extend the Date to File the Pretrial Order upon:

Michael Cascino, Esq.  
Cascino Vaughan Law Offices, Ltd.  
220 S Ashland Ave  
Chicago, IL 60607

via e-mail and by the Court's electronic filing system on the 16<sup>th</sup> day of January, 2014.

\_\_\_\_\_/s/ Amy R. Hansen\_\_\_\_\_

[X] Under penalties as provided by law pursuant to Ill.Rev.Stat., Ch. 110, Sec. 1-109, I certify that the statements set forth herein are true and correct.